



Paul J. Kurzanski, REM  
Manager Environmental Remediation  
Direct: (904) 359-3101  
FAX: (904) 245-2826  
E-mail: paul\_kurzanski@csx.com



Public Safety & Environment Department  
500 Water Street, J-275  
Jacksonville, FL 32202

File: Michigan, Dearborn  
N-Forcer  
R008210

April 29, 2005

Mr. Brian Kelly  
USEPA Region 5 Emergency Response  
9311 Groh Road  
Grosse Ile, MI 48138-1697

Former W.R. Grace Asbestos Investigation, N-Forcer Site, Dearborn, Michigan

Dear Mr. Kelly:

In response to your recent request for a Work Plan regarding the remediation of the above referenced site, CSX Transportation, Inc. (CSXT) is submitting this letter as notification of their intent to perform limited remedial activities on the CSXT Right-of-Way (ROW).

CSXT would like to reiterate several key points regarding it property:

1. CSXT agrees with your assessment that the former W. R. Grace is the source of this material.
2. As stated in your March 31, 2005 electronic mail, CSXT's property was impacted by the former W. R. Grace operations and therefore the remediation is not the responsibility of CSXT.
3. As a common carrier, CSXT is not liable for the content of their shipments. CSXT's customers own the contents. Absent proof of a release on CSXT's ROW by CSXT, CSXT is not liable for the remediation of this material. As stated above, we agree with your assessment that CSXT's ROW has been impacted by a release which occurred upon the W.R. Grace property during W.R. Grace's past operations.
4. More importantly, no asbestos structures (i.e. fibers, bundles) were detected by Transmission Electron Microscopy (TEM) analysis in any of the 14 soil samples collected at the CSXT ROW on November 12, 2004. After conversation with you, CSXT representatives returned to the CSXT ROW and collected a sample of suspect bulk material from the south end of the site (SB-15). The TEM analytical results of SB-15 suspect bulk material sample indicated no asbestos. The core soil sample (SB-1) collected at the same location as suspect miscellaneous bulk material (SB-15) indicated no presence of asbestos in the soil.
5. Per the EPA Action Memorandum (Subject: Request for a Time-Critical Action at the N-Forcer Site in Dearborn, Wayne County, Michigan (Site ID#B55P), Section III, "US EPA has determined, that in certain settings, concentrations of less than 1% posed unacceptable inhalation risks when subject to disturbance". As stated above, analytical results indicated

that the 15 samples collected on the CSXT ROW were "no asbestos was detected" per TEM analysis, therefore based on the US EPA's course of action; the soil of the CSXT ROW is not impacted with asbestos.

6. Finally, fibrous asbestiform minerals are not a regulated substance. Libby vermiculite (LA) is not identified as asbestos per the definitions of 40 CFR Part 763.83, and 29CFR1926.1101 Section B Definitions.

As stated above, CSXT is not liable for the content of their shipments; therefore CSXT would not be responsible for the raw ore material. And as stated in the April 4, 2005 public meeting and in the *WR Grace ISC Modeling Deposition % of Maximum* indicating the air deposition model, W. R. Grace impacted the surrounding community. Any product or waste material of W. R. Grace that was dispersed by wind, dust or any other method, would be the responsibility of W.R. Grace.

Based on your recent correspondences, CSXT understands that the USEPA does not intend to remediate the CSXT ROW when it addresses the other impacted properties. Therefore, as a *good corporate citizen*, and based on your April 19, 2005 voice message to Ms. Rubis of ARCADIS, as soon as possible, CSXT will conduct a HEPA vacuum remedial efforts of the rail ties, conduct a limited (six inches deep) excavation of the any areas that visually appear to contain this unregulated amphibole mineral, and spray an encapsulation solution on the ballast areas. Since the analytical results from 15 samples were collected from the CSXT ROW have indicated non-asbestos results, CSXT will not conduct definition sampling prior to remedial efforts and will deem the remedial efforts *complete* based solely on visual inspection. Also, CSXT will not require the assistance of the USEPA in disposing of any wastes generated during the removal actions.

Very truly yours,



Paul J. Kurzanski  
Manager Environmental Remediation

cc:

Mr. Jeff Styron, Counsel, CSXT  
Ms. Terri Rubis, ARCADIS  
Mr. Erik Olson, Olson & Associates